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JUN 24 2004

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Date: June 24, 2004

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To:	Company:	Facsimile No:	Telephone No:
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Message: Please see interview summary, being faxed to the examiner and the Art Unit on this date.

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U.S. practice conducted through McDermott Will & Emery LLP.
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Docket No.: 38586-329

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JUN 24 2004

In re Application of

Customer Number: 33401

Ting, Kang

Confirmation Number: 9486

Serial No.: 09/412,297

Group Art Unit: 1645

Filed: October 5, 1999

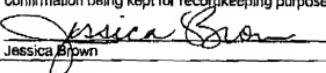
Examiner: Ford, Vanessa L.

For: NELL-1 ENHANCED BONE MINERALIZATION

OFFICIAL

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that on 6/24/04 which is the date I am signing this certificate, I am transmitting this summary via facsimile to Art Unit 1645 at (703) 872-9306, known to me to be the facsimile number of Art Unit 1645 and to Examiner Ford, (571) 273-0857, the facsimile number of Examiner Vanessa L. Ford. A copy of the confirmation being kept for recordkeeping purposes


 Jessica Brown
SUMMARY OF TELEPHONE INTERVIEW HELD JUNE 22, 2004
PURSUANT TO 37 C.F.R. 1.133

By Facsimile: (571) 273-0857 (Ex. Ford)
By Facsimile: (703) 872-9306 (Art Unit 1645)

This is a summary of the telephonic interview held between Applicant's attorneys, (Marc E. Brown and Krista Vink Venegas), Applicant (Dr. Eric Ting), Examiner Vanessa Ford and Supervisor Lynette Smith of Art Unit 1645, on June 22, 2004.

The Response that was sent to the examiner on May 4, 2004 was discussed (copy attached). Pending claims 1-2, 8-12 and 50 were discussed in view of the 35 USC §112, ¶1 enablement rejection maintained by the Examiner.

First, Applicant's attorneys requested that the Examiner reconsider the finality of the present Office Action since the Examiner raised for the first time in the final Office Action a new basis for rejecting the pending claims for lack of enablement, and a non-final opportunity to respond to this basis was not provided to the Applicant.

Second, the Applicant responded to Examiner Ford's inquiries regarding examples of "test agents" which may be useful in practicing the claimed methods, including but not

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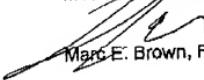
limited to peptide fragments, chemicals and pharmaceuticals which may be used in the form of panels for high throughput screening.

Finally, Applicant's attorneys outlined the response to the remaining basis for lack of enablement with respect to the function of Nell-1 and "modulation of mineralization."

The examiner indicated that she would: 1) reconsider the finality of the last Office Action; 2) consider the Response filed in view of the discussion during the interview.

Date: June 24, 2004

Respectfully submitted,
MCDERMOTT WILL & EMERY LLP


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